

# SENATE BILL REPORT

## ESSB 5623

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As Passed Senate, March 5, 2015

**Title:** An act relating to modifying the operation of motorcycles on roadways laned for traffic.

**Brief Description:** Modifying the operation of motorcycles on roadways laned for traffic.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Sheldon, Angel, Miloscia, Becker, Warnick and Conway).

**Brief History:**

**Committee Activity:** Transportation: 2/03/15, 2/25/15 [DPS, DNP, w/oRec].

Passed Senate: 3/05/15, 35-14.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5623 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Benton, Vice Chair; Fain, Vice Chair; Baumgartner, Ericksen, Miloscia, Rivers and Sheldon.

**Minority Report:** Do not pass.

Signed by Senators Lias, Assistant Ranking Minority Member; Cleveland, Jayapal and Pedersen.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Habib.

**Staff:** Kim Johnson (786-7472)

**Background:** While generally motorcycles are entitled to full use of a lane on a highway, these vehicles are subject to certain operational benefits and limitations. Specifically, motorcyclists may operate two abreast in a single lane. However, an operator of a motorcycle may not pass a vehicle in the same lane as the vehicle being overtaken, unless the vehicle is a bicyclist. Currently, a motorcycle may not be operated between lanes of traffic, a practice commonly referred to as lane-splitting or lane-filtering.

California is the only state in the U.S. that allows lane-splitting.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Engrossed Substitute Bill:** The operator of a motorcycle may overtake and pass in the same lane as the vehicle being overtaken, but only on the left-hand side of the vehicle and only in the left-most lane of traffic on a state highway that is listed in Chapter 47.17 RCW with two or more lanes of traffic in each direction. The operator of a motorcycle may only pass on the left hand side when the motorcycle is traveling at a speed of 25 miles per hour or less and not more than 10 miles per hour over the speed of traffic flow.

It is a traffic infraction for an operator of a motor vehicle to intentionally impede or attempt to prevent a motorcyclist from passing on the left-hand side as authorized in this act.

This authority for motorcycles to pass vehicles on the left-hand side of the left-most lane of a multilane highway expires July 31, 2017.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: I describe this as line riding. I have many motorcycle riders in my district and many that travel through my district. I think this bill addresses some safety concerns that motorcyclists face, like being rear ended. There are mechanical considerations with some bikes that need to keep moving in order to keep the bike cool.

In our congested corridors, motorcyclists face a risk of being rear ended by inattentive drivers. This bill can help alleviate congestion by allowing motorcyclists to filter through the lanes which frees up space in the lanes for more cars. There is another safety component to this bill. It is hot out on the road and when a rider has to sit in traffic, it is exhausting and the rider can overheat. Keeping motorcycles moving, even in a congested, stop-and-go corridor, is safer than having them sit in traffic. Having lived in California and been an active rider all my life, lane splitting works and can be done in a safe way. There are parameters in the bill to limit it to slower operational conditions. This bill helps to reduce emissions and fuel consumption as well. This bill doesn't require people to split lanes, but just gives riders an option. We care about our safety. It is paramount. We believe that this bill will make riding in certain circumstances safer.

CON: This activity has been going on in California for a while now. If it were to be approved in Washington there would need to be a significant public education campaign as the drivers of motor vehicles are not expecting this kind of activity. This will result in additional road rage incidents. The accounts displayed in the Traffic Safety Commission videos were probably not lawful, but there will likely be people that break the law if this is passed and we will see crashes like those that were displayed. Motorcycle deaths have not decreased in this state. Every year, 70 to 80 people die in motorcycle crashes. This is an unacceptable loss and we cannot support a law that will likely lead to more deaths. This bill is contrary to the state's Target Zero efforts. The testimony presented about rear end

accidents are misleading. There were only 21 incidents where motorcycles were rear ended in the past four years.

OTHER: We have concerns that some language regarding the three feet of space required for a motorcyclist to safely pass a bicyclist or pedestrian in the same lane of traffic was removed. We have suggested language to restore the three-foot rule that preserves the intent of the drafters of this legislation.

**Persons Testifying:** PRO: Senator Sheldon, prime sponsor; Brian Lange, A Brotherhood Against Totalitarian Enactments of Washington, Legislative Affairs Officer; Larry Walker, WA Road Riders Assn.; Louise Bentley, Kim Adair, A Brotherhood Against Totalitarian Enactments; Mel West, Timothy McCall, Chris Strizver, citizens.

CON: Rob Huss, WA State Patrol; Shelly Baldwin, WA Traffic Safety Commission.

OTHER: Blake Trask, WA Bikes, Policy Director.